

Attorney: BENK.P0107US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: John C. Benko  
Serial No.: 10/614,520  
Filed: July 7, 2003  
For: MEZZANINE SAFETY GATE

Art Unit: UNKNOWN  
Examiner: UNKNOWN

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed except for: (a) pending applications or (b) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120:

Serial No.: \_\_\_\_\_  
Filing Date: \_\_\_\_\_

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) \_\_\_\_ Copy of each English language version of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.
- (b) \_\_\_\_ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) \_\_\_\_ Within 3 months of the filing date, date of entry into the National Stage, or filing date of CPA.
- (b) X Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) \_\_\_\_ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

(d) \_\_\_ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

(1) \_\_\_ The required certification is given below, or

(2) \_\_\_ Enclosed is a check for \$180.00 covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) \_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988

(e) \_\_\_ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

(1) \_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or

(2) \_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

4. Certification (if applicable)

(a) \_\_\_ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.

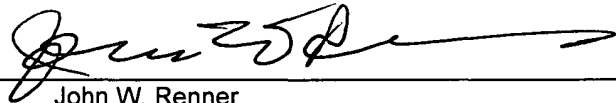
(b) \_\_\_ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully Submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By




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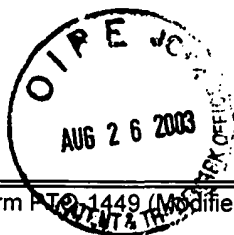
**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 8/22/03

  
Deirdre Preston

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Form PTO-1449 (Modified)	Atty Docket No. BENK.P0107US	Serial No. 10/614,520
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	Applicant: John C. Benko	
	Filing Date July 7, 2003	Group UNKNOWN

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-class	Filing Date if Appropriate
	659,117	10/2/1900	White et al.			
	2,874,819	02/24/59	Nutter			
	3,421,260	01/14/69	Dickinson			
	3,497,998	03/03/70	Thomas			
	4,014,133	03/29/77	Brown			
	4,041,646	08/16/77	Mittag			
	4,150,510	04/24/79	Harrison et al.			
	4,422,264	12/27/83	Harris			
	4,538,379	09/03/85	Vargo			
	4,580,413	04/08/86	Klee			
	5,241,789	09/07/93	Vacelet			
	5,546,703	08/20/96	Conway			
	5,592,779	01/14/97	Conway			
	5,701,701	12/30/97	Desrosiers			
	5,709,050	01/20/98	Benko			
	5,934,021	08/10/99	Conway			

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Sub-class	Translation	
						Yes	No

## OTHER ART

Examiner Initial	Author, Title, Date, Pertinent Pages, etc.
	Product Review. Mezzanine Safeti-Gates, Inc. Prevent your workers from going over the edge... [online], undated [retrieved on 6/11/03]. Retrieved from the Internet: <URL: <a href="http://www.mezzaninesafetygates.com/safety.htm">http://www.mezzaninesafetygates.com/safety.htm</a>
	Roly® Safeti-Gate (four page brochure), An Open and Shut Case for Plant Mezzanine Safety, date: 2000.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution. Z:\SEC155JWR\BENK\P0107US.IDS.wpd (IDS1449.FRM) (2/97)